

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

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In re:

**Jacqueline S. Price**

Case No. 12-81845

Chapter 13

S.S. No.: xxx-xx-1024

Mailing Address:

14-P Weather Hill Circle, Durham, NC 27705

Debtor.

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**MOTION TO ALLOW SUBSTITUTION OF COLLATERAL**

**NOW COMES** the Debtor, by and through counsel undersigned, and moves, under authority of 11 U.S.C. § 105(a), 1303 and 363(b), to allow substitution of collateral in this case. In support hereof, the Debtor shows the following:

1. This case was filed on December 7, 2012 , with the Chapter 13 plan being subsequently confirmed on May 2, 2013.
2. The Debtor's schedules of creditors includes JCS FINANCIAL SERVICES, LLC, which is secured by a lien on a 2007 JEEP COMMANDER.
3. Said vehicle was totaled in an accident. The Debtor was not at fault, and the other driver's insurance policy, USAA, will cover the damage to the said vehicle.
4. The Debtor is in need of a replacement vehicle for transportation to work and for household maintenance. The Debtor has no other means to obtain a replacement vehicle except by using the insurance proceeds to be paid by USAA.
5. The said insurance proceeds, in the amount of \$7,020.89, are property of the estate. Said insurance was intended to provide for the replacement of said vehicle in the event of a total loss. The Debtor wishes to use the entire insurance proceeds to purchase a replacement vehicle, and is willing to turn the title to the replacement vehicle over to JCS FINANCIAL SERVICES, LLC to serve as replacement collateral on the obligation with said creditor.
6. The Debtor also agree to pay over to the Chapter 13 Trustee any portion of the said insurance proceeds not used in the purchase of the replacement vehicle.

**Appended Application for an Additional Attorney Fee**

7. Counsel for the Debtor further applies herein, in accordance with Bankruptcy Rule 2016(b), for approval the presumptive attorney fee in the amount of \$450.00 to pay for the reasonable value of the services rendered, and to be rendered, with respect to this motion.

**WHEREFORE**, the Debtor hereby requests that she be allowed to convey her interest in said vehicle to the insurance company free of liens, and to use the entire proceeds of said insurance payment to purchase a replacement vehicle and to substitute such replacement vehicle as collateral with respect to the obligation owing to JCS FINANCIAL SERVICES, LLC; and to facilitate the substitution of collateral, that JCS FINANCIAL SERVICES, LLC be ordered to release the lien on the 2007 Jeep Commander in consideration for a lien on the replacement vehicle; and that counsel for the Debtor be allowed additional attorney's fees, to be paid through the Debtor's Chapter 13 plan, in the amount of \$450.00.

Dated: May 19, 2015

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s Koury Hicks

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Koury Hicks

Attorney for the Debtor

N.C. State Bar No. 36204

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Durham, NC 27705

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**CERTIFICATE OF SERVICE**

I, Koury Hicks, of the Law Offices of John T. Orcutt, P.C., do hereby certify, under penalty of perjury, that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age; and that on May 19, 2015, I served copies of the foregoing **MOTION TO ALLOW SUBSTITUTION OF COLLATERAL by automatic electronic noticing** upon the following parties:

Richard M. Hutson, II  
Chapter 13 Trustee

William P. Miller  
Bankruptcy Administrator

and **by regular U.S. mail**, upon the following parties:

Jacqueline S. Price  
14-P Weather Hill Circle,  
Durham, NC 27705

USAA  
Attn: Kayla Cornejo  
Claim No. 18888285LR11  
PO Box 659474  
San Antonio TX 78265 9044

JCS FINANCIAL SERVICES, LLC  
Attn: Managing Agent  
PO Box 2257  
Wendell, NC 27591-

/s Erica NeSmith

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Erica NeSmith